

Mail Stop Interference  
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Paper 1  
Filed: 23 July 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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**RAYMOND J. ROUSSY**  
Junior Party  
(Application No. 11/067,225)

v.

**HOWARD E. JOHNSON, Jr.**  
Senior Party  
(Patent Nos. 6,955,219 and 7,093,657).

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Patent Interference No. 105,707 (SCM)  
(Technology Center 3600)

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**DECLARATION - Bd.R. 203(b)<sup>1</sup>**

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<sup>1</sup> "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1   **Part A. Declaration of interference**

2           An interference is declared (35 U.S.C. § 135(a)) between the above-  
3 identified parties. Details of the application(s), patent (if any), reissue  
4 application (if any), count(s) and claims designated as corresponding or as not  
5 corresponding to the count(s) appear in Parts E and F of this DECLARATION.

6   **Part B. Judge managing the interference**

7           Administrative Patent Judge Sally C. Medley has been designated to  
8 manage the interference. Bd. R. 104(a).

9   **Part C. Standing order**

10          A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this  
11 DECLARATION. The STANDING ORDER applies to this interference.

12   **Part D. Initial conference call**

13          A telephone conference call to discuss the interference is set for  
14 **1:00 p.m. on 22 September 2009** (the Board will initiate the call).

15          No later than **four business days** prior to the conference call, each party  
16 shall file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120;  
17 Bd. R. 204; SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

18          A sample schedule for taking action during the motion phase appears as  
19 Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the  
20 schedule prior to the conference call and to agree on dates for taking action. A  
21 typical motion period lasts approximately eight (8) months. Counsel should be  
22 prepared to justify any request for a shorter or longer period.

1 **Part E. Identification and order of the parties**

2 Junior Party

3  
4 Named Inventor: RAYMOND J. ROUSSY, Surrey, Canada

5  
6 Involved Application: Application 11/067,225, filed 28 Feb. 2005

7  
8 Title: METHOD OF GEOTHERMAL LOOP  
9 INSTALLATION

10  
11 Assignee: none

12  
13 Senior Party

14  
15 Named Inventor: HOWARD E. JOHNSON, Jr., Kennesaw, GA

16  
17 Involved Patent: Patent 6,955,219, issued 18 Oct. 2005, based on  
18 Application 10/613,511, filed 03 Jul. 2003

19  
20 Title: EARTH LOOP INSTALLATION WITH SONIC  
21 DRILLING

22  
23 Assignee: Enlink Geoenergy Services, Inc.

24  
25 Involved Patent: Patent 7,093,657, issued 22 Aug. 2006, based on  
26 Application 11/247,997, filed 10 Oct. 2005

27  
28 Title: EARTH LOOP INSTALLED WITH SONIC  
29 APPARATUS

30  
31 Assignee: Enlink Geoenergy Services, Inc.

32  
33 The senior party is assigned exhibit numbers 1001-1999. The junior party is  
34 assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶ 154.2.1. The senior  
35 party is responsible for initiating settlement discussions. SO ¶ 126.1.

1 **Part F. Count and claims of the parties**

2 Count 1

3 Claim 21 of Roussy's Application 11/067,225

4 or

5 Claim 1 of Johnson's Patent 6,955,219

6 The claims of the parties are:

7 Roussy: 1-15, 18, 20-23

8 Johnson Patent 6,955,219: 1-22

9 Johnson Patent 7,093,657: 1-23

10 The claims of the parties which correspond to Count 1 are:

11 Roussy: 1-4, 7-8, 11-15, 18, 20-22

12 Johnson Patent 6,955,219: 1-16, 18-19

13 Johnson Patent 7,093,657: 1-12, 16-18, 20-23

14 The claims of the parties which do not correspond to Count 1, and therefore  
15 are not involved in the interference, are:

16 Roussy: 5, 6, 9, 10, 23

17 Johnson Patent 6,955,219: 17, 20-22

18 Johnson Patent 7,093,657: 13-15, 19

19 The parties are accorded the following benefit for Count 1:

20 Roussy: none

21 Johnson Patent 6,955,219: none

22 Johnson Patent 7,093,657: 10/613,511, filed 03 July 2003, now  
23 Patent 6,955,219, issued 18 Oct. 2005

1 **Part G. Heading to be used on papers**

2 The following heading must be used on all papers filed in this interference,  
3 see SO ¶ 106.1.1:

4  
5 UNITED STATES PATENT AND TRADEMARK OFFICE  
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7  
8 BEFORE THE BOARD OF PATENT APPEALS  
9 AND INTERFERENCES  
10

11  
12 RAYMOND J. ROUSSY  
13 Junior Party  
14 (Application No. 11/067,225)  
15

16 v.  
17

18 HOWARD E. JOHNSON, Jr.  
19 Senior Party  
20 (Patent Nos. 6,955,219 and 7,093,657).  
21

22  
23 Patent Interference No. 105,707 (SCM)  
24 (Technology Center 3600)  
25

1 **Part H. Order form for requesting file copies**

2 When requesting copies of files, use of SO Form 4 will greatly expedite  
3 processing of the request. Please attach a copy of Parts E and F of this  
4 DECLARATION with a hand-drawn circle around the patents and applications for  
5 which a copy of a file wrapper is requested.

6  
7 /Sally C. Medley/  
8 Administrative Patent Judge

9 Enc:

10 Copy of STANDING ORDER  
11 Copy U.S. Patent 6,955,219  
12 Copy U.S. Patent 7,093,657  
13 Copy of claims of Application 11/067,225  
14  
15  
16

17 Revised 3 January 2006

1 cc (via overnight delivery):

2  
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4  
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7 Suite 240  
8 Bethesda, MD 20817

9  
10 Attorney for Johnson:

11  
12 EnLink Geoenergy Services, Inc.  
13 or Howard E. Johnson, Jr.  
14 PMB 293  
15 236 South 3<sup>rd</sup> Street  
16 Montrose, CO 81404  
17